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November 27, 1984

BY HAND

Douglas C. Fairhurst, Esq.
Townley & Updike
405 Lexington Avenue
New York, New York 10174

Re: Universal City Studios v. Nintendo Co. Ltd.
and Nintendo of America, Inc.

Dear Doug:

The following is an outline of the topics which were previously foreclosed in Ms. Sifuentes' deposition and which we intend to cover in the resumption of that deposition:

1. Universal's rights in King Kong as a result of the Universal-RKO litigation (Tr. 12-15), including, how Universal acquired such rights, what rights it believed it had acquired, any discussions concerning what rights it believed it had acquired, discussions concerning the June 18, 1980 memorandum from Mr. DiMuro to Mr. Shienberg and any other documents reflecting or referring to the rights which Universal believed it had acquired.

2. Restrictions on Universal's ability to merchandise King Kong (Tr. 22), including, those aspects of the King Kong property which Universal could not license; discussions within Universal regarding the same and any discussions regarding advising the public of such restrictions.

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DEFENDANT'S
EXHIBIT

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3. Universal's 1981 trademark search (Tr. 32-36), including, discussions with Universal regarding results of the search; discussions concerning actions Universal should or should not take as a result of the search, and advice regarding the same.

4. Universal's 1982 trademark search (Tr. 76-80), including, discussions concerning results of the search, discussions concerning Nintendo's pending Donkey Kong application, discussions concerning actions Universal should or should not take with respect to the Donkey Kong application and, any advice regarding the same.

5. Universal's attempt to establish trademark rights in King Kong (Tr. 51-56), including reasons why Universal attempted to establish a use in commerce for the King Kong name and discussions concerning the same.

6. Universal's decision not to license King Kong (Tr. 91-101), including, reasons why Universal refused to grant a license to Dunbar Electronics, discussions with Dunbar concerning the same, discussions within Universal concerning the same, and discussions concerning Universal's general decision not to license King Kong, persons responsible for such decision, and any documents reflecting the same.

In light of the current schedule, please let me know as soon as possible several convenient dates for resuming Ms. Sifuentes' deposition. As you know, we will have to arrange for service of a subpoena on Ms. Sifuentes after we hear from you.

Sincerely yours,


John J. Kirby, Jr.